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EXAMINER

TRINH, TAN H

ART UNIT

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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,571

Applicant(s)

HARTIKAINEN ET AL.

Examiner

TAN TRINH

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05-24-2006, 05-08-2008, 10-03-2008 and 09-03-2009, the information disclosure statement has been considered by the examiner.

Specification

2. Claims 32 and 45 is objected to because of the following informalities: Independent claim 16 and 45 are exactly same. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. Claim 46 is rejected under 35 U.S.C. 101 because the claim is directed to non-statutory subject matter. Specifically, A computer program product as described in the preamble, and the computer program product comprises appears to be a set of program codes, rather than comprising any tangible medium such as storage memory. Thus even through the claimed steps are statutory method, the claimed "computer program product" is deemed to be non-statutory.

It is correction required.

A suggested in the new 101 guidance language is "A computer-readable medium".

4. A computer product in specification on par [0001 and 0024] that **does not** meet 101 required, the software embodiment pose a problem (see par [0001 and 0024] in specification does show software terminology only.

It is correction required.

A suggested in the new 101 guidance language is "A computer-readable medium".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A person shall be entitled to a patent unless –

6. Claims 1-3, 5-7, 9, 13, 15-17, 20-22, 24-26, 29, 31-32, 34-36, 38-40, 43 and 45-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Umeda (US Pub. No. 2002/0150228).

Regarding claims 1, 32 and 45-47 and 49, Umeda teaches a terminal (200 and/or 250) to be used in a system (fig. 1), comprising a device management server (100 or 106 and/or 500) and a data transfer network (100) for transmitting information used in connection with configuration between the terminal (200 and 250) and the device management server (106 and/or 500) (fig. 1, page 3, par [0026-0027]), the terminal (200 and/or 250) comprising a detecting element (206 and 202 or 302) configured to detect a change in the capabilities of the terminal (fig. 3-4, page 4-6, par [0036-0038] and [0047-0054]), for a transmitter (208) configured to transmit information on the change of the terminal capabilities to the device management server (106 and/or 500) (fig. 1-3, page 6, par [0054]) and for a receiver configured to receive new parameter preferences corresponding to the changed capabilities sent from the device management server (page 6, par [0054]).

Regarding claims 16 and 48, Umeda teaches a system (fig. 1), comprising: a terminal (200 and/or 250); a device management server (100 or 106 and/or 500); and a data transfer network (100) for transmitting information used in connection with terminal configuration between the terminal (200 and/or 250) and the device management server (106 and/or 500) (fig. 1, page 3, par [0026-0027]); the terminal (200 and/or 250) comprising for a detecting element (206 and 202 or 302) configured to detect a change of the capabilities of the terminal (fig. 3-4, page 4-6, par [0036-0038] and [0047-0054]); the system (fig. 1) further comprising: for a

transmitter (208) configured to transmit the information on the change of the terminal capabilities to the device management servers (106 and 500) (fig. 1-3, page 6, par [0054]); a determining element configured to determine parameter preferences corresponding to the changed capabilities (page 5-6, par [0044-0054]); wherein the device management server (106 and/or 500) comprises a transmitter (102 and 104) configured to send the parameter preferences that correspond to the new capabilities to the terminal for configuring the terminal (page 5, par [0043-0046]); and the terminal (200 and/or 250) comprises a receiver for receiving new parameter preferences sent from the device management server (106 and/or 500) (page 5-6, par [0048-0054]).

Regarding claims 2, 21, 35 and 50, Umeda teaches *at least one* accessory connection, wherein the detecting element comprises a connection bus for detecting whether an accessory has been connected to the accessory connection (page 4, par [0037], and page 6, par [0051]).

Regarding claims 3, 22, 36 and 51, Umeda teaches *at least one* user module installed to the terminal, and the detecting element comprising a user module connection for transmitting information between the user module and the terminal (page 4, par [0037-0038]).

Regarding claims 5, 24 and 38, Umeda teaches an equipment identity is stored in the terminal, that an equipment identity read previously from the terminal is stored in the user module, wherein the terminal further comprises a comparing element for comparing the

equipment identity stored in the user module and the equipment identity stored in the terminal in order to determine a change in the terminal capabilities (fig. 6, page 5, par [0046]).

Regarding claims 6, 25 and 39, Umeda teaches an installing element for installing and updating applications in a terminal as well as for removing them from the terminal, in which case the detecting means comprises means for detecting the installation, update and removal of applications (page 4, par [0036-0037]).

Regarding claims 7, 26 and 40 , Umeda teaches the capability information of the terminal has been provided to the terminal in the installed application (page 4, par [0037]).

Regarding claims 9 and 52, Umeda teaches for installing and updating a service in a terminal as well as for removing an installed service from the terminal, wherein the detecting element is configured to detect the installation, update and removal of the service (page 7, par [0060-0067]).

Regarding claims 13, 29 and 43, Umeda teaches configured to send at least the following capability information via a mobile communication network to a device management server: a protocol supported by the terminal, which can be used in transmitting parameter preferences to the terminal, information on the manufacturer of the terminal, information on the model of the terminal, and information on the software version of the terminal (page 4, par [0037-0040]).

Regarding claims 15 and 31, Umeda teaches it is a wireless terminal (200) (fig. 1).

Regarding claim 17, Umeda teaches the device management server (100 or 106 and/or 500) comprises means for a controlling element configured to determining the parameter preferences that correspond to the terminal capabilities (page 4-5, par [0043-0054]), and a transmitter for sending the parameter preferences via a data transfer network (100) to the terminal (200 and/or 250) (fig. 1, (page 5-6, par [0048-0054])).

Regarding claims 20 and 34, Umeda teaches wherein in the data transfer network, the parameter preferences received from the device management server are arranged to be handled by modifying them or by adding new setting to them (page 6, par [0051]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 8, 10-11, 14, 22-23, 27, 30, 37, 41 and 44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda (US Pub. No. 2002/0150228) in view of Kock (US Pub. No. 2004/0185885).

Regarding claims 4, 22 and 37, Umeda teaches determine a change in the terminal capabilities (page 6, par [0054]). But Umeda does not mention a user identity is stored in the user module, that a user identity read previously from the user module is stored in the terminal, wherein the terminal further comprises a comparing element for comparing the user identity stored in the user module and the user identity stored in the terminal in order to determine a change in the terminal capabilities.

However, Kock teaches a user identity (ID) is stored in the user module (SIM), that a user identity (ID) read previously from the user module is stored in the terminal (page 2, par [0025-0026]), wherein the terminal (102 and 106) further comprises a comparing element for comparing the user identity stored in the user module and the user identity stored in the terminal in order to determine a change in the terminal capabilities (page 2, par [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Umeda with Kock, in order to provide stored descriptions of capabilities in updated when user replace SIM (see suggested by Kock on page 2, par [0026]).

Regarding claims 23, Kock teaches a user identity (ID) is stored in the user module (SIM), that a user identity read previously from the user module is stored in the terminal, in which case in order to determine a change in the terminal capabilities, the system is configured to compare the user identity stored in the user module and the user identity stored in the terminal (page 2, par [0025-0026]).

Regarding claim 8, Kock teaches an application controlling element configured to change the preferences of the application, wherein the detecting element is configured to detect change in the application preferences (page 2, par [0025-0026] and page 4, par [0049, 0052-0056]).

Regarding claim 10, Kock teaches a service controlling element for changing the preferences of the service, wherein the detecting element is configured to detect a change in the service preferences (page 4, par [0049-0056]).

Regarding claims 11, 27 and 41, Kock teaches message formation element configured to form a request message including a request for providing parameter preferences to the terminal, and the transmitter is configured to sending the request message to a data transfer network (104) (fig. 1-2, page 2-3, par [0025-0029, 0040-0045]).

Regarding claims 14, 30 and 44, Umeda teaches memory for storing all the parameters stored by the users that have used the terminal (page 4, par [0038]). But Umeda does not mention the corresponding user identities, wherein the terminal further comprises an examining element configured to examine whether the previously used user identities and the corresponding parameters are stored in the terminal, wherein the terminal is configured to prevent sending information on the capabilities of a terminal to a data transfer network if the examining element detected that the previously used user identities and the corresponding parameters are stored in the terminal, and configured to take the previously stored parameters into use. However, such teaching is taught by Kock (see page 2, par [0025-0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Umeda with Kock, in order to provide stored descriptions of capabilities in updated when user replace SIM (see suggested by Kock on page 2, par [0026]).

9. Claims 18-19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda (US Pub. No. 2002/0150228) in view of Poikselka (US Pub. No. 2005/0065801).

Regarding claim 18, Umeda teaches wherein in the terminal (200 and/or 250) is installed *at least one* service of a service network (fig. 1). But Umeda does not mention the service provider, in which case the terminal is configured to send information on change of the service preferences to the device management server and the controlling element of the device management server is configured to determine the parameter preferences that correspond to the service changed in the terminal from the service provider. However, such teaching is taught by Poikselka (see fig. 1 and 3-5, page 1-2, par [0008 and 0010-0027]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Umeda with Poikselka, in order to provide service changed in the terminal from the service provider (see suggested by Poikselka on page 2, par [0017]).

Regarding claims 19 and 33, Poikselka teaches the system is configured to determining the parameter preferences is by sending the information on the change of the service preferences received from the terminal from the device management server to the service provider, in which

case the service provider is configured to perform the terminal configuration (see fig. 1 and 3-5, page 1-3, par [0008 and 0010-0027] and [0037-0040]).

10. Claims 12, 28 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda (US Pub. No. 2002/0150228) in view of Kock (US Pub. No. 2004/0185885) furthering view of Coulombe (US Pub. No. 2003/0055949).

Regarding claims 12 and 28 and 42, Umeda teaches determine a change in the terminal and system capabilities and message with bit rate (page 3-4, par [0031, 0038] and page 6, par [0054]). Bu Umeda or Kock does not mention the request message is a UAProf message.

However, Coulombe teaches the message is a UAProf message (page 5, par [0096 and 0100]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of the teaching of Umeda and Kock with Coulombe, in order to desired bit rate may be reserved for providing in message with related rate (see suggested byCoulombe on page 5, par [0100]).

Conclusion

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
November 2, 2009

/TAN TRINH/
Primary Examiner, Art Unit 2618